

**P A T E N T**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J. Callister et al.

Serial No: 09/911,551

Filed: 7/23/2001

Title: Occluding Device and Method of Use

Docket No: 000687-000470/US

Group Art Unit: 3764

Examiner: Michael A. Brown

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. However do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

Applicant herewith submits documents related to litigation involving U.S. Patent Nos. 6,096,052 and 6,423,116 which are not related to the present application, but which may pertain to similar subject matter.

Civil Action No. C-02-1968 MHP (U.S. District Court, Northern District of California) pertains to U.S. Patent No. 6,096,052; and Civil Action No. C 02-3884 MHP (U.S. District Court, Northern District of California) pertains to U.S. Patent No. 6,096,052 and U.S. Patent No. 6,423,116. U.S. Patent Nos. 6,096,052 and 6,423,116 are assigned to AMS Research Corporation.

This Information Disclosure Statement is being submitted:

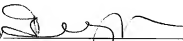
- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;
- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
- (a) A statement that either:
- ☐ (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- ☐ (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- OR
- ☒ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- (a) A statement that either:
- ☐ (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- ☐ (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- AND
- ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1901** referencing order number 000687-000470/US.

Respectfully submitted,

April 13, 2006

By   
Barbara A. Wrigley, Reg. No. 34,950  
Customer No. 34,205

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Substitute for form 1448/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 5

**Complete if Known**

Application Number	09/911,551
Filing Date	07/23/2001
First Named Inventor	J. Callister et al
Art Unit	3764
Examiner Name	Michael A. Brown
Attorney Docket Number	000687-000470/US

Examiner Initials*	Cite No.	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)				
	1	US-2003/0086533		Apr-03	Loy	
	2	US-2002/020417		Feb-02	Nikolchev et al.	
	3	US-2002/020951		Mar-02	Callister et al.	
	4	US-2004/0079377		Apr-04	Nikolchev et al.	
	5	US-2004/0127918		Jul-04	Nikolchev et al.	
	6	US-2004/0159324		Aug-04	Nikolchev et al.	
	7	US-2004/0163650		Aug-04	Lowe et al.	
	8	US-2004/0163651		Aug-04	Nikolchev et al.	
	9	US-2004/0206358		Oct-04	Nikolchev et al.	
	10	US-2004/0211429		Oct-04	Nikolchev et al.	
	11	US-3334629		Aug-67	Cohn	
	12	US-3665108		2/1/1975	Hartop	
	13	US-3888956		3/4/1975	Affidi et al.	
	14	US-3991760		11/1/1976	Drobish et al.	
	15	US-4062754		10/11/1997	Homsy	
	16	US-4140126		2/20/1979	Choudhury	
	17	US-4185618		Jan-80	Corey	
	18	US-4246896		Jan-81	Horne et al.	
	19	US-4279252		Jul-81	Martin	
		US				

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	1*
		Country Code <sup>3</sup> , Number <sup>4</sup> , Kind Code <sup>5</sup> (if known)					
	20	AU 707047		7/1/1999	Conceptus, Inc.		
	21	AU 739429		10/11/2001	Conceptus, Inc.		
	22	DE3038928		4/1/1982	Waldemar Bleier		
	23	EP1199049		Apr-02	Shoher et al.		
	24	WO90/09158		Aug-90	Radekisk Elektrokemial Muszergyarto Ipari Szovetkezet		
	25	WO94/26175		11/24/1994	Vitaphore Corporation		
	26	WO97/27893		Aug-97	Transvascular, Inc.		
	27	WO01/13533		Mar-01	Conceptus, Inc.		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Code of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PFO				<b>Complete if Known</b> Application Number 09/911,551 Filing Date 07/23/2001 First Named Inventor J. Callister et al. Art Unit 3784 Examiner Name Michael A. Brown Attorney Docket Number 000687-000470/US	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)					
Sheet	2	of	5		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	28	US-4562596	1/7/1986	Kornberg	
	28	US-4579110	Apr-86	Hiamou	
	30	US-4585000	Jun-86	Hiamou	
	31	US-4638803	Jan-87	Rand	
	32	US-4657000	Apr-87	Hepburn	
	33	US-4688553	Aug-87	Metals	
	34	US-4700701	Oct-87	Montaldi	
	35	US-4787899	11/29/1988	Lazarus	
	36	US-4869268	9/1/1986	Yuen	
	37	US-4954850	10/1/1990	Bouton et al.	
	36	US-4999458	Nov-90	Wiktor	
	36	US-4994089	Feb-91	Rilchart et al.	
	40	US-5104399	4/14/1992	Lazarus	
	41	US-5108420	4/1/1992	Marks	
	42	US-5147370	Sep-92	McNamara	
	43	US-5167614	Dec-92	Tessmann et al.	
	44	US-5176692	Jan-93	Wilk et al.	
	45	US-5192301	3/9/1993	Kamiya et al.	
	46	US-5226911	Jul-93	Chee et al.	
		US-			

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Examiner Signature		Date Considered	
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<p>Under the Espionage Espionage and Sabotage Penalties Act, the person who provides false information to the Patent Office may be liable for a fine or imprisonment, or both.</p> <p>Substitute for form 1449A/PTO</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>				<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/611,551</td> </tr> <tr> <td>Filing Date</td> <td>07/23/2001</td> </tr> <tr> <td>First Named Inventor</td> <td>J. Callister et al.</td> </tr> <tr> <td>Art Unit</td> <td>3764</td> </tr> <tr> <td>Examiner Name</td> <td>Michael A. Brown</td> </tr> <tr> <td>Attorney Docket Number</td> <td>000687-000470/US</td> </tr> </table>		Application Number	09/611,551	Filing Date	07/23/2001	First Named Inventor	J. Callister et al.	Art Unit	3764	Examiner Name	Michael A. Brown	Attorney Docket Number	000687-000470/US
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Sheet	3	of	5														

U.S. PATENT DOCUMENTS					
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	47	US-5267945	Dec-83	Doctor et al.	
	48	US-5275622	1/4/1994	Lazarus et al.	
	49	US-5354286	Oct-84	Guglielmi et al.	
	50	US-5370857	12/1/1994	Irie	
	51	US-5382259	Jan-95	Phelps et al.	
	62	US-5433217	Jul-95	Planetti et al.	
	53	US-5456713	10/10/1995	Chuter	
	54	US-5489295	2/6/1996	Piplani et al.	
	55	US-5499896	Mar-96	Tierstein	
	56	US-5499896 C1	Mar-02	Tierstein	
	57	US-5507811	Apr-95	Kolke et al.	
	58	US-5512051	Apr-96	Wang et al.	
	59	US-5514176	May-88	Bosley, Jr.	
	60	US-5643311	Jul-97	Smith et al.	
	61	US-5669933	Sep-97	Simon et al.	
	62	US-5838968	Nov-98	Simon et al.	
	83	US-5919202	Jul-99	Yoon et al.	
	84	US-5935137	Aug-99	Saadat et al.	
	85	US-6090063	Jul-00	Makower et al.	
		US-			

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Examiner Signature		Date Considered	
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Substitute for form 1449A/PTD

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Application Number	09/911,551
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Filing Date	07/23/2001
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First Named Inventor	J. Callister et al.
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Art Unit	3764
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Examiner Name	Michael A. Brown
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Attorney Docket Number 000687-000470/US

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Examiner Signature		Date Considered	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary.)

Sheet	5
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Complete if Known

Application Number	09/911,551
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Filing Date	07/23/2001
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J. Callister et al.

Art Unit	3764
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Examiner Name	Michael A. Brown
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Attorney Docket Number 000687-000470US

## NON PATENT LITERATURE DOCUMENTS

[illegible]

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